COLORADO
Division of Water Resources
Department of Natural Resources

April 30, 2026

Amber Pacheco, Deputy General Manager
Rio Grande Water Conservation District
8805 Independence Way
Alamosa, CO 81101

RE: 2026 ANNUAL REPLACEMENT PLAN APPROVAL: SPECIAL IMPROVEMENT SUBDISTRICT NO. 2 OF THE RIO GRANDE WATER CONSERVATION DISTRICT

Dear Ms. Pacheco:

Thank you for your April 14, 2026 submission of the Special Improvement District No. 2's proposed Annual Replacement Plan (ARP) for the 2026 Plan Year (**May 1, 2026 through April 30, 2027**).

My staff and I have reviewed the proposed ARP and its appendices, and it is hereby approved. A copy of this approval will be available on the DWR website at:

https://dwr.colorado.gov/division-offices/division-3-office

All information and data related to this approved ARP will be available on our website.

Enclosed, please find my approval of the 2026 ARP.

Very Sincerely,

Jason T. Ullmann P.E.
State Engineer
Director of Division of Water Resources

cc: Division 3

Review, Findings, and Approval of Subdistrict No. 2's 2026 Annual Replacement Plan

Background

Special Improvement District No. 2 ("Subdistrict"), a political subdistrict of the Rio Grande Water Conservation District ("RGWCD"), formed through Rio Grande County District Court in Case 2015CV30050, timely submitted its proposed Annual Replacement Plan ("ARP") pursuant to its Plan of Water Management ("PWM") approved by the State Engineer and noticed through Division No. 3 Water Court in Case No. 2018CW3010.

The 2026 Plan Year ARP and its appendices were available for download through a link on the RGWCD website. The ARP, its appendices, and resolutions were provided to the State and Division Engineers on April 14, 2026. Copies of the ARP were made available for viewing at the State and Division Engineers' offices. This letter will be posted on DWR's website. My staff and I have conducted this review of the ARP in accordance with the operational timelines specified in the Court approved Rules Governing the Withdrawal of Groundwater in Water Division No. 3 (the Rio Grande Basin) and Establishing Criteria for the Beginning and End of the Irrigation Season in Water Division No. 3 for all Irrigation Water Rights ("Rules"), Case 2015CW3024.

DWR Review

As set forth in the Rules, I must determine whether the ARP presents "sufficient evidence and engineering analysis to predict where and when Stream Depletions will occur and how the Subdistrict will replace or Remedy Injurious Stream Depletions to avoid injury to senior surface water rights." (Rules 11.3). Also, "the ARP will include: a list of Subdistrict Wells that will be covered by the ARP; a projection of the groundwater withdrawals from Subdistrict Wells during the current Water Administration Year; a calculation of the projected stream depletions resulting from ground water withdrawals from Subdistrict Wells; a forecast of the flows for the Rio Grande; detailed information regarding the methods that will be utilized to replace or remedy injurious stream depletions during the ARP Year, including any contractual agreements used for replacement or remedy of injurious stream depletions that will be in place; any information regarding the fallowing of Subdistrict Lands; and, documentation that sufficient funds are or will be available to carry out the operation of the ARP." (Subdistrict PWM, Section 6.1.2). Finally, I must review the ARP pursuant to the statutory mandates, constitutional requirements, rules and regulations adopted in Division No. 3, and any letters, comments, or other objections submitted by water users regarding the adequacy of the ARP. No letters, comments, or other objections to the 2026 ARP were received.

With the foregoing in mind, I turn to a review of the ARP. It would be unwieldy to include in my review every detail of the thorough ARP, so for the purpose of this letter, I incorporate it and its supplements by reference.

11.1.1 Database of All Wells to be Covered by the ARP

Structure Identification Number (WDID) (Section 1 of 11.1.1 of the ARP)

A comprehensive list of wells included in the ARP is necessary in order to allow DWR to verify which wells are authorized to operate in accordance with the ARP. To that end, the Subdistrict submitted the most current tabulation of the structure identification number (WDID) of each well included in the Subdistrict (see Appendix A of the ARP). The Subdistrict also supplied a spreadsheet to DWR of the list of Subdistrict Wells as a supplement to the 2026 ARP. Appendix A lists 267 wells. The Subdistrict removed four wells, WDIDs 2009351, 2009586, 2012287, 2009586, all sprinkler irrigation, due to the water rights being abandoned and there being no historical groundwater withdrawals associated with the structures. Details of contract wells accepted by the Subdistrict in the past are listed in Appendix B.

Other Well Identification Information (Section 2 of 11.1.1 of the ARP)

The requirement to provide the database of wells the Subdistrict has accepted as part of this ARP was satisfied under 11.1.1.1

Subdistrict Wells with Plans for Augmentation (Section 3 of 11.1.1 of the ARP)

The ARP Well List includes some wells that are either fully or partially augmented by an approved plan for augmentation which is administered separately from the Subdistrict's PWM. These plans for augmentation associate surface rights with these Subdistrict Wells and other non-Subdistrict wells to remedy some portion or all of each well's injurious stream depletions. These wells are included in the Subdistrict's ARP Well List, and if any portion of their legally decreed groundwater withdrawals is not remedied by an individual plan for augmentation, it is subject to Subdistrict fees and the Subdistrict will remedy injurious stream depletions and post-plan injurious stream depletions attributable to the non-augmented portion of a well's total groundwater withdrawals as part of this ARP. "The Subdistrict and this Plan of Water Management or ARP cannot be used as a source of water for new or expanded plans for augmentation or other replacement plans." (PWM at 2.4.6)

San Luis Valley Water Conservancy District Augmentation Certificates

The ARP lists two wells (WDID 2010320, Augmentation Certificate 784; & WDID 2009593, Augmentation Certificate 690) as Subdistrict Wells that are partially augmented for existing uses through SLVWCD. Both wells have water rights for augmentation through SLVWCD that covers uses including out-of-season irrigation, commercial, and in-house as well as irrigation rights covered by the Subdistrict.

I have reviewed Appendix A, Appendix B, and Appendix C of the ARP and consulted with staff and find it to be an accurate inventory of Subdistrict Wells that meets the requirements of Rule 11.1.1.

Total Combined Projected Annual Diversion for All Subdistrict Wells (Section 4 of 11.1.1 of the ARP)

Comparing past years and considering operational changes anticipated from Subdistrict members for 2026, the Subdistrict determined the streamflow forecast on the Rio Grande was most comparable to the 2018 actual flows so based the projection on the pumping from those years. ARP Well groundwater withdrawals in 2026 are projected to be **15,500 acre-feet**.

Subdistrict Well Metered Pumping (acre-feet)

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
15,101	15,835	14,759	13,312	12,539	11,193	11,288	15,943	10,844	13,606

2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
13,484	12,708	13,457	11,122	11,611					

Note: Data for 2021 – 2025 was taken from Table 2.1.1 and Table 2.2.1 of the ARP

Subdistrict Projected Pumping (acre-feet)

Input to Application Workbook	Predicted	Percent	Consumptive Use Ratio
Sprinkler Irrigation	12,900 + 500	86	0.85
Leveled Flood Irrigation	700 + 0	4	0.60
Wild Flood Irrigation	70 + 0	1	0.40
Other Pumping	1,300 + 30	9	0.40
Total Groundwater Withdrawals	15,500		

Expected Methods of Irrigation, the Combined Projected Number of Acres Irrigated and the Total Projected Acreage by Each Irrigation Method (Section 5 of 11.1.1 of the ARP)

The Subdistrict ARP Wells are projected to irrigate approximately 10,500 acres during the Plan Year including 8,200 acres irrigated by center pivot sprinklers, 1,000 acres irrigated by flood and wild flood application in the RGA and 700 acres by sprinkler and 600 acres by flood in the URG. The Subdistrict made this projection based on a review of the breakdown of acres within the RGA and the URG Response Areas under each irrigation type prepared by DWR for inclusion in the RGDSS Groundwater Model and further analysis when reviewing contract wells.

Non-Irrigation Subdistrict Wells – Calculation of All Projected Withdrawals and Projected Net Groundwater Consumptive Use (Section 6 of 11.1.1 of the ARP)

Included in the ARP Well List are a number of wells with beneficial uses other than irrigation. The Subdistrict utilized information provided by DWR to calculate the consumptive use rates used in the RGDSS Model to calculate stream impacts and returns. Beneficial uses include potato washing, commercial, domestic (subdivision), lawn irrigation and aquaculture. A spreadsheet was prepared by the Subdistrict to calculate the composite Consumptive Use Ratio that is a necessary input in the Application Workbook. A spreadsheet of the calculation prepared for use in the 2026 ARP was submitted as supplement to this ARP.

Other Data Necessary to Support the Projected Stream Depletions (Section 7 of 11.1.1 of the ARP)

No other data was provided.

Other Information Required by the State and Division Engineers and Reasonably Necessary to Evaluate the Proposed ARP (Section 8 of 11.1.1 of the ARP)

The supplemental information needed to evaluate the 2026 ARP and provided to the State Engineer included:

1. A resolution from RGWCD approving the Subdistrict 2026 ARP.
2. An electronic copy of the Application Workbook used to prepare the tables included in this ARP.
3. The list of Subdistrict Wells included in the 2026 ARP in spreadsheet format matching the list presented in Appendix A. The spreadsheet should identify each WDID as sprinkler, flood, wild flood, other, according to the Subdistrict's designation for the depletion calculation.
4. A spreadsheet describing the pumping and consumptive use percentage for each of the Subdistrict wells that are classified as "Other Pumping" in the Application Workbook calculations.
5. A resolution from RGWCD to allow the Subdistrict to allocate Closed Basin Project water in the 2026 ARP.
6. A Forbearance Yield Analysis. This is a description of the Subdistrict's approach to estimate the probable yield of replacement sources for the various forbearance contracts with ditches under forbearance agreements.
7. A resolution from RGWCD to act as a financial guarantor for the Subdistrict.
8. Operational Requests to the Division Engineer for the 2026 ARP
    - The Subdistrict requests to aggregate depletions between Stream Reaches as part of the anticipated operation in 2026.
    - The Subdistrict requests to aggregate depletions with other Subdistricts during the 2026 ARP year.
    - The Subdistrict requests the Division Engineer allow a portion of the Closed Basin Project (CBP) production that is generated during the irrigation season be used to offset the Subdistrict's non-irrigation season depletions, though not to exceed the allocation approved by the CBP Operating Committee. This becomes necessary when the depletions owed for all RGWCD

Subdistricts combined in any one or more months during the non-irrigation season are greater than the production of the Closed Basin Project production in those months.

- The Subdistrict requests the Division Engineer allow aggregation of overpayment and underpayment of depletions among Subdistricts as determined by Application Workbook calculations made prior to March 1, 2027, using actual stream flows and actual metered groundwater withdrawals for the prior Water Administration Year.

11.1.2 Projected Stream Depletions from the Wells Covered by the ARP based on the Applicable Response Function or Approved Alternative Method

The Response Function Application Workbook (or "Application Workbook") outputs identify total projected stream depletions for the Plan Year, a breakdown of the monthly stream depletions for three reaches on the Rio Grande, and a projection of the Post-Plan Stream Depletions calculated as a result of the predicted Plan Year groundwater withdrawals from Subdistrict ARP Wells. The Subdistrict used the current 7P101 Application Workbook to calculate projected stream depletions for this ARP.

The April through September streamflow forecasts included in the ARP are made by the Division Engineer and are based upon guidance given by forecasts from the United States Department of Agriculture's Natural Resources Conservation Service ("NRCS"), the National Weather Service NWS), and the National Center for Atmospheric Research (NCAR).

The United States Department of Agriculture's Natural Resources Conservation Service ("NRCS") streamflow statistics are calculated over a 30-year period and updated each decade, in agreement with World Meteorological Organization (WMO) standards. This 30-year reference period was chosen to characterize the current hydro climatology at each station. The current medians and averages have been updated to include data for the water years 1991-2020. The current year streamflow projection is compared to the 30-year reference period to determine the percent of "normal" streamflow. The NRCS forecasts were reported as percent of the median in this report.

The annual streamflow forecasts the Subdistrict referenced in the ARP include the NRCS April 1, 2026 forecasts (issued April 7), the April 6, 2026 Division Engineer's Rio Grande Compact Ten Day Report for the Rio Grande.

2026 Stream Flow Forecast – Rio Grande (Section 1 of 11.1.2 of the ARP)

There were no differences between the NRCS and the Division Engineer's forecasts as shown in the following table. The April - September flow the Subdistrict chose for use in the Application Workbook for 2026 is the NRCS forecast (projected 50% exceedance) as shown in the table below.

Rio Grande Stream Flow Forecast

Rio Grande Stream Flow Analysis	Apr-Sep Forecast (acre-feet)	% of median	Estimated Additional (acre-feet)	Jan - Dec Forecast (acre-feet)
	(1)	(2)	(3)	
NRCS, "April 1st Forecast", 4/1/2026	172,000	36%		
Division Engineer, Ten Day, 3/31/2026	172,000	36%	98,000	270,000

(1) projected 50% exceedance streamflow at the gaging station
(2) NRCS 30-yr Median Flow: Conejos-168,000, Los Pinos-61,000, San Antonio-9,600, Rio Grande-480,000, Alamosa-61,000, Saguache- 28,000, La Jara-6,800
(3) January through March and October through December

Projected Plan Year Stream Depletions for RGA ARP Wells (Section 2.1 of 11.1.2 of the ARP)

Subdistrict staff predicted stream depletions to the Rio Grande utilizing the Application Workbook, 7P101, developed for the Rio Grande Alluvium (RGA) Response Area under the RGDSS Groundwater Model Phase 7. The Upper Rio Grande (URG) Application Workbook was provided to the Subdistrict in 2020 to calculate projected stream depletions for the wells in that area.

The Application Workbook was built to be used for the whole Response Area. Instruction sheets were prepared by DWR for additional inputs to the Application Workbook when there is a need to use it for individual or groups of wells. The instruction sheet, "Adjusting the Application Workbook for use with a Subset (individual/group) of Wells" (9/23/2015), describes how to adjust the spreadsheet inputs for historical Net Groundwater Consumptive Use and for stream reaches that have been identified with point source returns to streams.

The Subdistrict has elected to use the Application Workbook for the subset of wells represented by the Subdistrict ARP Wells. The Rio Grande Alluvium Response Area identifies adjustments for point source return flows, as shown below.

- Rio Grande Alluvium Response Area - Reach 1 (Rio Grande from Del Norte to Excelsior Ditch) from the Town of Del Norte and the City of Monte Vista.

Adjustments are made on appropriate pages of the Application Workbook spreadsheet. However, the Town of Del Norte wells operate under their own plan for augmentation and the City of Monte Vista's unconfined wells in the Subdistrict Response Area are only used for irrigation. The Subdistrict removed all return flows attributable to the Town of Del Norte and the City of Monte Vista's wells from Reach 1(Rio Grande from Del Norte to Excelsior Ditch) from the appropriate sheets within the RGA Application Workbook spreadsheet.

Historical groundwater withdrawals for 2021 – 2025 with consumptive use ratios are entered into Table 1 of the 7P101 Application Workbook. The categories are sprinkler irrigation, leveled flood irrigation, wild flood irrigation, and "Other" pumping. Projected ARP Well groundwater withdrawal values were used for 2026. The consumptive use ratio for "Other"

wells is specific to the uses of those wells and can vary widely. The "Other Consumptive Use Ratio" in Table 1 is a composite derived from the individual well withdrawals and consumptive uses.

The Subdistrict provided a spreadsheet of "Other" wells included in the Subdistrict ARP Well list as a supplement to the ARP. The spreadsheet shows the individual well groundwater withdrawals and consumptive use factors to explain how the composite ratios were determined for the subset wells represented in the ARP.

No adjustments were made in the Application Workbook by the Subdistrict for groundwater withdrawals of the subset wells for any years prior to 2021. The Subdistrict has no Recharge that Offsets Groundwater for calculation of the Net Groundwater Consumptive Use. The projected Net Groundwater Consumptive Use for the Plan Year is **11,933 acre-feet**.

Following determination of the Net Groundwater Consumptive Use, the stream depletions are calculated for the Plan Year and projected into the future. The locations of the stream depletions and monthly quantities are also tabulated in the ARP. The total stream depletions are **2,147 acre feet** for Subdistrict wells.

RGA Projected Depletions (acre-feet)

Stream Reach	May-Oct, Apr	Nov-Mar	Total	Post Plan
Rio Grande 1 Del Norte- Excelsior	713	707	1,420	2,087
Rio Grande 2 Excelsior- Chicago	420	397	817	1,452
Rio Grande 3 Chicago- State Line	-65	-25	-85	-72
Total Depletions	1,068	1,079	2,147	3,467

Post-Plan Stream Depletions from the RGA are estimated to accrue to impacted streams for approximately **7 years**. Based on predictions from the Application Workbook, there would be a total of **3,467 acre-feet** of Post-Plan Stream Depletions as shown in the table above.

Projected Plan Year Stream Depletions for URG ARP Wells (Section 2.2 of 11.1.2 of the ARP)

The Subdistrict prepared a separate analysis of the stream depletions for Subdistrict Wells that lie within the URG Response Area. Historical groundwater withdrawals for 2021 – 2025 with consumptive use ratios are entered into Table 1 of the URG Application Workbook. The Subdistrict has no Recharge that Offsets Groundwater for calculation of the Net Groundwater Consumptive Use. The projected URG Net Groundwater Consumptive Use for the Plan Year is **427 acre-feet**.

URG Projected Depletions (acre-feet)

Stream Reach	May-Oct, Apr	Nov-Mar	Total	Post Plan

Rio Grande 1 Del Norte- Excelsior	130	91	221	96

The URG Application Workbook calculation of total stream depletions to the Rio Grande during the Plan Year due to both past ARP Well groundwater withdrawals and the projected Plan Year ARP Well groundwater withdrawals is **221 acre-feet**. Depletions are owed to the same stream as the RGA Application Workbook, but the depletions are occurring only to Stream Reach 1.

Post-Plan Stream Depletions from the URG are estimated to accrue to impacted streams for approximately only **2 years**. Based on predictions from the Application Workbook, there would be a total of **96.0 acre-feet** of Post-Plan Stream Depletions as shown in the table above. Because most of the impact to the Rio Grande occurs in the same year as the Groundwater Consumption, Post-Plan Depletions for this Application Workbook output are relatively small.

Combined Total Projected Plan Year Stream Depletions for Subdistrict ARP Wells (Section 2.3 of 11.1.2 of the ARP)

Combined RGA & URG Projected Depletions (acre-feet)

Stream Reach	May-Oct, Apr	Nov-Mar	Total	Reach Total	Post Plan Reach Total
URG Rio Grande 1 Del Norte- Excelsior	130	91	221		
Rio Grande 1 Del Norte- Excelsior	713	707	1,420	1,641	2,183
Rio Grande 2 Excelsior- Chicago	420	397	817		1,452
Rio Grande 3 Chicago- State Line	-64	-25	-89		-72
Total Depletions	1,199	1,170	2,369		3,563

Total stream depletions to the Rio Grande are **2,369 acre-feet**. The volume of water required to replace the RGA and URG combined Post-Plan Stream Depletions is **3,563 acre-feet**.

11.1.3 Description of How Injurious Stream Depletions from Groundwater Withdrawals by Wells Included in the ARP will be Replaced or Remedied

Amounts and Sources of Replacement Water for 2026 Plan Year (Section 1 of 11.1.3 of the ARP)

The Subdistrict has assembled a portfolio of water supplies for the replacement of Injurious Stream Depletions and remedies other than water. The ARP identifies the water rights, their availability and their amounts in Table 3.1 of the ARP.

The adequacy of replacement sources for the ARP Year is dependent upon contracted amounts the Subdistrict has acquired as well as the availability of the source to pay

depletions in place and time. For purposes of review of adequacy of replacement sources, there are three categories defined below, with examples described for each.

In Storage: Reservoir water in storage under the control of the Subdistrict. This water is available for release at the direction of the Subdistrict.

In Season: Ditch water that will become available to the Subdistrict when in priority during the irrigation season in the amount of depletion owed to streams daily by the Subdistrict. For some sources, water not used to pay daily depletions may be stored for Subdistrict use later.

On Call: Remedies, such as forbearance, that are available in the amount of depletion owed to streams daily by the Subdistrict, limited to when the forbearance ditch is the calling water right. I note that forbearance depends on climate and actual days when a ditch is the calling water right and the exact yield per year is indeterminate. It is also noted that the amount of forbearance water usable by the Subdistrict is limited by their depletions owed daily to streams. In addition, several Subdistricts are seeking forbearance agreements with the same ditches. DWR considers these potential competing agreements when evaluating forbearance as a replacement source.

This replacement water or remedy will be available to replace Injurious Stream Depletions as directed by the Division Engineer. A summary of the portfolio items is shown in the Replacement Sources tables on the following pages. I will approve up to the full amount itemized in the Replacement Sources tables and stated in the following sections for use in the 2026 ARP.

Subdistrict No. 2 Replacement Sources
Rio Grande (acre-feet)

	Water Right Name	**Submitted in ARP 4/15/2026**	**Approved in SWSP's**	**Remaining 4/15/2026 & Approved for 2026 ARP**
SWSP	**In Storage**			
13CW3002	SMRC – Monte Vista Canal Leased 2019 (150 shares @ 1.942 af)	180.16		680 + 48.74 + 180.16
n/a	SMRC- Rio Grande Canal purchased from SD 1	620 + 48.74		
6182	SLVWCD 84CW16 & 94CW62	0.8		0.8
6182	B.A.R. Cattle Credit Water (Case Nos. 2003CW41)	17.2		17.2
6258 W3754	Town of Del Norte- excess augmentation credits	24.4		0
6062*	Williams Cr Squaw Pass TM- Navajo Devel	582.9		582.9
n/a	Williams Cr Squaw Pass TM- and free river	75.3		75.3
9362	Pine River Weminuche – Jan-Rich TM (Forrest)	722.08		732.78
9350	RG Ditch No 1 Lease of Historical CU	50.78 + 49.06		50.78+49.06
6235	City of Monte Vista Augmentation Credits	33.85		41.88
Aug plan	City of Monte Vista Augmentation Credits	16.06		
6094	City of Creede Nelson Tunnel	16.07		0
9535	Cases CA1248-B, 84CW16, 94CW62 - Weaver	10.7		0
6093	SLVIWO- Taos Valley No 3	11.91		11.91

	Total In Storage	**2,460**		**2,472**
* Note:	Williams Cr Squaw Pass TM- Parker source is all from SWSP 6062, not SWSP 6182			
	In Season	**Limit**	**Expected Yield**	**Approved for 2024 ARP**
SWSP	**In Season**			
6093	SLVIWO- Taos Valley No 3	1,000	1,000	**0**
20CW3016A	Williams Cr Squaw Pass TM	n/a	54.1	**0**
	Total In Season		**1,054.1**	**0**
	On Call	**Limit**	**Expected Yield**	**DWR Expected Yield**
WDID	**Forbearance**			
2000566	Centennial – (10 yr. 2033) 2, 3, 6	No limit		
2000575	Chicago (10 yr. 2036) 1, 2, 3, 6, 7	No limit		
2000623	Commonwealth Irrigation Company – Empire - (10 yr. 2034) 2, 3, 6	500		
2000614	Ehrowitz Ditch (10 yr. 2036) 2	No limit		
2000627	Excelsior Ditch – (1 yr. 2027) 2, 3, 6	No limit		
2000753	Monte Vista Canal - MV Water Users Association (10 yr. 2033) 2	300		
2000812	Rio Grande Canal (1 yr. 2027) 2	650		
2000662	• Rio Grande Canal- Hermanthal Ditch (1 yr. 2027) -priority no. 176			
2001094	• Rio Grande Canal- Scotch Ditch (1 yr. 2027) – priority no. 178			
2001007	• Rio Grande Canal- Biedel D (1 yr. 2027) – priority no. 197			
2000624	• Rio Grande Canal- Enterprise D (1 yr. 2027) – priority no. 198			
2001094	Scotch Ditch (carried in Rio Grande Canal) – (10 yr. 2033 w/Kruse) 2, 3, 6	No limit		
2001094	Scotch Ditch (carried in Rio Grande Canal) – (10 yr. 2036 w/Ponderosa) 2, 3, 6	No limit		
2000624	Enterprise D (carried in Rio Grande Canal) – (10 yr. 2033 w/Kruse) 2, 3, 6	No limit		
2000624	Enterprise D (carried in Rio Grande Canal) – (10 yr. 2033 w/Toews) 2, 3, 6	No limit		
2000624	Enterprise D (carried in Rio Grande Canal) – (10 yr. 2036 w/Ponderosa) 2, 3, 6	No limit		
2000773	New Ditch (10 yr. 2036) 1, 2, 3, 6, 7	No limit		
2000816	Rio Grande Lariat Ditch – (permanent)	151		
2000816	Rio Grande Lariat Ditch – (10 yr. 2033) 2, 3, 6	500		
2000811	Rio Grande Piedra Valley Ditch – (5 yr. 2028) 2,3,6	No limit		
2000817	Rio Grande San Luis Ditch – (10 yr. 2035) 2, 3, 6	No limit		
2000631	Farmers Union Canal – SLV Irrigation District (1 yr. 2027) 2	500		
	Total On Call- Irrigation Season	**2,601**		**Up to 760**

	CBP Allocation (as of April 2026)	3,900	1,169.91	Up to 1,170
	Total On Call- Non-Irrigation Season		1,170	Up to 1,170

After Acquired Sources of Remedy (Section 2 of 11.1.3 of the ARP)

DWR recognizes the Subdistrict will continue to work to acquire additional sources of remedy and may, with approval from the Division Engineer, use those sources to remedy injury under this ARP.

Operation of the 2026 Annual Replacement Plan (Section 3 of 11.1.3 of the ARP)

The Subdistrict's replacement water will be released, including transit losses, from Rio Grande, Santa Maria or Continental Reservoirs, located in the Upper Rio Grande, at the direction of the Division 3 Division Engineer, to offset injurious stream depletions on the Rio Grande during the Plan Year. All Plan Year injurious stream depletions will be replaced in the time, location and amount that they occur, beginning May 1, 2026**.** These releases of water from storage will be performed under the provisions contained in section 37-87-103, C.R.S.

The ARP notes that Sections 37-80-120, 37-83-104, and 37-83-106, C.R.S., allow exchanges to occur between reservoirs without a decree and if recognized by the Division Engineer. Appropriate accounting between the Division Engineer's Office and Subdistrict No. 2 will occur on a regular and routine basis if these exchanges do occur. Any reservoir exchanges done in the Plan Year will be documented and reported in the 2026 Annual Report. The Division Engineer's Office will be notified in advance of any reservoir exchanges, and the exchanges must be documented and approved by the Division Engineer prior to them occurring.

The ARP provides documentation that the Subdistrict has implemented Forbearance Agreements with several major canals located on the Rio Grande, some of them for multiple year terms. At its sole discretion, the Subdistrict will exercise these agreements.

The ARP includes a resolution by the Centennial Ditch in Appendix I. The resolution allows replacement water to be carried through the Centennial ditch for delivery when the Rio Grande is dry below the Excelsior Ditch. The water will be measured and delivered directly to the Rio Grande at the point the Centennial Ditch can return water directly to the Rio Grande. That point is above any water right that may be injured while in priority. The Centennial Ditch must be adequate to efficiently deliver water around the dry stretch of river to the satisfaction of the Division Engineer prior to this being considered a viable option. The Centennial Ditch Company's water rights are senior enough to accomplish this carriage in most foreseeable situation (Priority Nos. 32 and 173).

The Phase 7 Model did not predict stream depletions to streams other than the Rio Grande in amounts above the minimum threshold to reliably predict impacts. Therefore, no replacements to any stream other than the Rio Grande will be made.

In virtually all conditions, including 0% Compact Curtailment, replacement of injurious depletions is required to be made to the lower reach of the Rio Grande for replacement of Injurious Stream Depletions to the Rio Grande Compact as well as any ditches in the reach.

The Rio Grande Water Conservation District Board of Directors has passed a resolution to act as a financial guarantor for the Subdistrict to assure that all Post-Plan Injurious Stream Depletions will be replaced or otherwise remedied if the Subdistrict were to fail or otherwise be unable to replace Post-Plan Injurious Stream Depletions. The Subdistrict provided a copy of the resolution with the ARP.

If the Subdistrict were to fail, the individual well owners in the Subdistrict would have to obtain plans for augmentation or take other measures to comply with the Groundwater Rules. Presumably, those plans would be required to replace these Post-Plan Injurious Stream Depletions into the future. In the interim, the Subdistrict or the Rio Grande Water Conservation District will remedy those Post-Plan Injurious Stream Depletions by supplying water or through agreements of the type contemplated by Colo. Rev. Stat. § 37-92-501(4)(b)(I)(B), pursuant to which injury to water rights is remedied by means other than providing water to replace stream depletions.

Anticipated Funding for Plan Year (Section 4 of 11.1.3 of the ARP)

The Subdistrict submitted sufficient financial information to document the purchase and leases of replacement water for the 2026 Plan Year.

11.1.4 Contractual Arrangements among Water Users, Water User Associations, Water Conservancy Districts, Subdistricts, and/or the Rio Grande Water Conservation District

San Luis Valley Irrigation Well Owner's Inc. (SLVIWO)-Case NO. 2015CW3030 (Section 1 of 11.1.4 of the ARP)

In Case No. 15CW3030 and SWSP 6093 filed pursuant to section 37-92-308(4), C.R.S., San Luis Valley Well Owners (SLVIWO) seeks to finalize a plan for augmentation changing Taos Valley Canal No. 3 water for augmentation purposes. The Subdistrict entered an agreement with SLVIWO to lease the following amounts (acre-feet) for use in the 2026 ARP under SWSP 6093.

Continental Reservoir storage	500
Daily depletion replacements	500
Future depletion replacements	0
Total	1,000

Purchase of Stored Pine River Weminuche Pass Ditch Transbasin Water Held in Rio Grande Reservoir – SWSP 9632 (Section 2 of 11.1.4 of the ARP)

Subdistrict No. 2 purchased stored Pine River Weminuche Pass Transbasin water being held in Rio Grande Reservoir from JanRich Grande 2013 Living Trust. SWSP 9632 was filed for the use of this water in the Subdistrict's 2026 ARP and subsequent ARPs. The Subdistrict will not use this water to replace/remedy injurious stream depletions until it has received approval from DWR via an approved SWSP.

Forbearance Agreements (Section 4 of 11.1.4 of the ARP)

Pursuant to section 37-92-501(4)(b)(I)(B), C.R.S., the Subdistrict has reached agreement with several ditches whereby they accept that, subject to the specific provisions of the forbearance agreement, injury to their water rights resulting from the use of groundwater by ARP Wells may be remedied by means other than providing water to replace stream depletions, when they are the calling right on the Rio Grande.

Subdistrict Analysis: The **Rio Grande** will have multiple dry up points that will change throughout the Irrigation Season causing the forbearance projections to change as well. The Subdistrict reviewed the calls in **2018** because the stream flows most closely matched the projected stream flows for 2026. Reach 1 and 2 are projected to stay connected throughout the month of May and the call will be the same for both reaches. Beginning in June, it is projected Reach 1 and 2 will disconnect and there will be a separate call in each reach individually. For Reach 1, it is projected approximately 75% of the calls will be covered by forbearance all Irrigation Season. For Reach 2, it is projected there will be 75% forbearance for the month of May and then 50% forbearance beginning on June 1st through to the end of the Irrigation Season. For Reach 3, it is projected there will be 50% forbearance all Irrigation Season.

Closed Basin Project Production (Section 4 of 11.1.4 of the ARP)

According to the information provided in the ARP, the projected production of the Closed Basin Project delivered to the Rio Grande is 6,500 acre-feet during calendar year 2026. The 2026 allocation of the Closed Basin Project production will be 60% to the Rio Grande and 40% to the Conejos River.

Per a letter from the Rio Grande Water Users Association dated April 10, 2026, the Board of Directors passed a motion to specifically allocate 3,900 acre-feet (1,700 in 2026 and 2,200 acre-feet in 2027) of the Rio Grande's share of the usable yield of the Closed Basin Project to replace the stream depletions of the Rio Grande Water Conservation District Subdistricts. Similarly, the Board of Directors of the San Luis Valley Water Conservancy District agreed to the allocation as stated in their letter to the Rio Grande Water Conservation District on April 7, 2026.

Further, the Water Users understand that there may be circumstances during the irrigation season when the Subdistricts cannot deliver water to the Rio Grande below the Chicago

Ditch due to intervening dry stream reaches or excessive losses in deliveries. In those circumstances, the Water Users believe Project Water is an appropriate replacement source but intend that the use of the allocation described be minimized during the irrigation season.

A copy of each letter reporting the approval was provided with the ARP. The resolution from RGWCD allowing the Subdistrict to use Closed Basin Project water in the 2026 ARP was provided as a supplement to the ARP.

11.1.5 Documentation of Progress Towards Achieving and Maintaining a Sustainable Water Supply

Rule 8.4 of the Rules states that there is no Sustainable Water Supply requirement of the wells that withdraw groundwater from the alluvium of the Rio Grande within the Rio Grande Alluvium Response Area.

The letter of February 28, 2020 from the State Engineer regarding the Upper Rio Grande Model Domain notes that the "the aquifer in the area represented in the URG is an alluvial aquifer that has little to no storage capacity for use of the aquifer as a reservoir. The URG meets the presumption of Rule 8.5 and, therefore, a plan to achieve a Sustainable Water Supply for the wells within the URG will not be required as part of any Annual Replacement Plan(s)."

Water Levels, Pressure Levels, and/or Groundwater Withdrawals (Section 1 of 11.1.5 of the ARP)

Requirements of this Rule are satisfied per Rule 8.4.

Listing of Irrigated Acres Proposed to be Temporarily or Permanently Fallowed and Associated Water Rights (Section 2 of 11.1.5 the ARP)

No listing of fallowed irrigated acres was submitted with this ARP.

Listing of Water Rights Proposed to be Temporarily or Permanently Retired and Historical Operations of Each Water Right (Section 3 of 11.1.5 the ARP)

No listing of retired water rights was submitted with this ARP.

Other Proposed Actions to be Taken as Applicable (Section 4 of 11.1.5 the ARP)

No listing of other proposed actions was submitted with this ARP

Findings:

Based on the information provided in the ARP and discussed above, I make the following findings:

1. The projected groundwater withdrawals are based upon the inventoried Subdistrict Wells, their historical pumping, and projected stream flows. The inventory of wells is consistent with the information in DWR's databases. The historical pumping associated with the Wells is based on diversion records on file with the DWR. The method implemented by the Subdistrict to project groundwater withdrawals for the ARP Wells for 2026 is consistent with historical pumping information and streamflow forecast from the Division Engineer's projection and the NRCS Forecast.

2. Overall, the Subdistrict inputs to the Application Workbook produced a calculation of depletions that DWR considers conservative such that the depletions are covered and no injury will occur.

3. Projected stream depletions are calculated based on Application Workbooks generated from RGDSS Groundwater Model runs. The Application Workbooks are based on the RGDSS Model Phase 7, which was approved by the PRT. The Subdistrict used the 7P101 Application Workbook in determining stream depletions for the Subdistrict. The ARP Year depletion schedule is included as an Exhibit to this letter.

4. The Upper Rio Grande Application Workbook was used to calculate the projected stream depletions for wells in that Response Area.

5. The yield of the CBP and timing of deliveries is not adequate to cover all subdistrict non-irrigation season depletions. CBP delivers water to Stream Reach 3 of the Rio Grande. Under certain conditions, including 0% curtailment, there is no exchange potential available to the upper reaches. The Subdistrict must provide enough replacement water to remedy any shortage of CBP deliveries allocated to the Subdistrict.

6. The ARP identifies the sources, availability, and amounts of replacement water and remedies that the Subdistrict will use to remedy Injurious Stream Depletions during the coming year and demonstrates the sufficiency of such water to remedy such Injurious Stream Depletions:

Rio Grande

The Subdistrict depletions on the Rio Grande are 1,199 acre-feet during the irrigation season and 1,170 acre-feet during the non-irrigation season for a total of 2,369 acre-feet.

- Irrigation Season: The Subdistrict has 2,472 acre-feet in storage in Beaver, Rio Grande, Continental and Santa Maria Reservoirs and indicates a yield of 718 acre-feet from forbearance agreements during the 2026 irrigation season and in April 2027, totaling 3,190 acre-feet. Currently, aggregation of accretions on Stream Reach 3 of the Rio Grande is not allowed due to the lack of exchange potential. The total amount of

accretions is 54 acre-feet. The Subdistrict has adequate replacements without the contribution of the accretions.

The confirmed portfolio of water from storage in the 2026 ARP Year totals 2,472 acre-feet and indicates sufficient firm water to cover Injurious Stream Depletions in the unlikely event that no forbearance is available.

- Non-Irrigation Season: The Subdistrict has 1,170 acre-feet of Closed Basin Project water available to pay non-irrigation season depletions and additional storage in Water District 20 Reservoirs to remedy potential shortages.

7. The Rio Grande Water Conservation District Board of Directors has passed a resolution to act as a financial guarantor for Subdistrict No. 2 to assure that all Post-Plan Injurious Stream Depletions will be replaced or otherwise remedied if the Subdistrict were to fail or otherwise be unable to replace Post-Plan Injurious Stream Depletions.

8. Rule 8.4 of the Rules states that there is no Sustainable Water Supply requirement of the wells that withdraw groundwater from the alluvium of the Rio Grande within the Rio Grande Alluvium Response Area.

9. The URG meets the presumption of Rule 8.5 and, therefore, a plan to achieve a Sustainable Water Supply for the wells within the URG will not be required as part of any Annual Replacement Plan

The Subdistrict has presented sufficient evidence and engineering analysis to predict where and when Injurious Stream Depletions will occur and how they will replace those Injurious Stream Depletions to avoid injury to senior surface water rights under the following Terms and Conditions.

This ARP is hereby approved pursuant to the following Terms and Conditions:

1. This ARP shall be valid for the period of **May 1, 2026 through April 30, 2027**, unless otherwise revoked, modified, or superseded by me, a decree, or order of the court.

2. The Subdistrict must replace or remedy the Injurious Stream Depletions resulting from Subdistrict ARP Well groundwater withdrawals.

3. **In virtually all conditions, including 0% Compact Curtailment, replacement of injurious depletions is required to be made to the lower reach of the Rio Grande for** replacement **of Injurious Stream Depletions to the Rio Grande Compact as well as any ditches in the reach.**

4. Contract wells will be covered to the extent of their permitted/decreed uses.

5. Deliveries (including transit losses) of stored water made available for the

replacement of Injurious Stream Depletions shall be determined by the Division Engineer pursuant to this ARP and associated decrees, policies and statutes. An MOU describing any exchange must be submitted and signed by all parties prior to operating the exchange.

6. If the limit is reached for any particular forbearance agreement, then the Subdistrict will need to remedy Injurious Stream Depletions to that particular ditch or canal with another remedy.

7. The Division Engineer shall determine on an ongoing basis whether he can administer the operations under each forbearance agreement. If the Division Engineer cannot, then that operation shall cease. General Forbearance Protocols for the Rio Grande River System for 2026 were prepared by the Division Engineer. A copy of the protocols is included with this letter.

8. The Subdistrict shall provide daily replacement water accounting (including, but not limited to diversions, depletions, replacement sources, and river calls) on a monthly basis. The accounting must be emailed to the Division Engineer (Craig.Cotten@state.co.us), the Water Commissioners (sam.riggenbach@state.co.us), the Subdistrict Coordinator (deborah.sarason@state.co.us), and the Water Accounting Operations Specialist (michelle.lanzoni@state.co.us) within 10 days after the end of the month for which the accounting applies. Accounting and reporting procedures are subject to approval and modification by the Division Engineer.

9. The Subdistrict must adhere to the terms and conditions of the SWSP(s) incorporated as part of the ARP. The use and inclusion of any new replacement water within the ARP is subject to SWSP approval or approved by the Water Division No. 3 Water Court for a change of water right. Prior to the use of any new replacement water, the State Engineer will evaluate for use as an amendment under this ARP.

10. Regarding the Subdistrict's request to aggregate depletions owed between stream reaches on the Rio Grande, as long as there is a curtailment in effect on the Rio Grande to satisfy Compact obligations, the depletions owed to all reaches may be aggregated, or summed, on a daily basis through the irrigation season. Due to the current dry conditions and 0% curtailment on the Rio Grande and Conejos, aggregation is not allowed. Should conditions improve, this situation may change. It is acceptable for depletions between stream reaches to be aggregated during the non-irrigation season.

11. Regarding the Subdistrict's request to aggregate depletions with other subdistricts, the Subdistrict may make requests for these types of changes formally to the Division Engineer, providing details of the request and documentation supporting the need to make a change to the approved ARP depletion schedule. The Division Engineer will consider such a request when it is made, under the protocol of DWR and in light of the conditions on the particular stream at the time and, if deemed appropriate, approve the request. The Subdistrict will not adopt any change until after approval by the Division Engineer.

12. CBP deliveries may only be credited against irrigation and non-irrigation season depletions that occur during the same calendar year and during the same ARP Year. **For 2026 and going forward, only the CBP deliveries generated during the non-irrigation season may be used to remedy Subdistrict non-irrigation season depletions.** The Subdistrict must provide replacement water to remedy any shortage of CBP deliveries allocated to the Subdistrict. It is noted the Rio Grande Water Users offered to make CBP water available to pay depletions during the irrigation season should the current dry conditions persist such that replacement water cannot be delivered to Rio Grande Stream Reach 3. This will only be allowed after approval of the Division Engineer.

13. The Subdistrict is not relying upon forbearance agreements to meet the requirements for mitigation of injurious stream depletions for this ARP Year but acquired agreements to use if desired. The Subdistrict is actively pursuing permanent replacement sources to cover depletions. In the unlikely event that the approved replacement sources do not yield the amounts needed to cover depletions as expected during the 2026 ARP Year, the Subdistrict will invoke its "After Acquired Sources of Remedy" clause in the ARP and will acquire sufficient additional sources to satisfy the depletion schedule approved under this ARP. If the Subdistrict is unable to acquire sufficient additional sources, the Subdistrict will not be able to continue operation under this ARP.

14. All deliveries of replacement water shall be measured in a manner acceptable to the Division Engineer. The Subdistrict shall install and maintain measuring devices as required by the Division Engineer for operation of this approved ARP.

15. The Subdistrict must submit a Preliminary Water Report and a Final Review of its ARP pursuant to Rule 12.

16. The Subdistrict must replace or remedy all Injurious Stream Depletions caused by non-augmented pumping associated with Subdistrict ARP Wells.

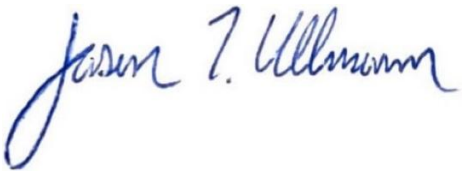
17. The Subdistrict must comply with the Rules, the Subdistrict PWM, and this ARP.

Approval of this ARP does not authorize any change, increase, or expanded use of any water right or permit. Any change, increase, or expansion of a water right or permit will need to comply with existing decrees and or permits, the Confined Aquifer New Use Rules, the Measurement Rules, the Rio Grande Basin Groundwater Use Rules, and may require approval of the Water Court.

The approval of this ARP is made with the understanding that if the ARP proves insufficient to remedy Injurious Stream Depletions, the State Engineer has the authority to invoke the retained jurisdiction of the Division No. 3 Water Court.

I want to thank you for your cooperation and compliance with this approved ARP and for your continued cooperation and compliance in the future. Your efforts are greatly appreciated. If you have any questions do not hesitate to contact any of my staff in Denver or Alamosa.

Sincerely,



Jason T. Ullmann, P.E.
State Engineer
Director of the Division of Water Resources

Exhibits:

A: Subdistrict No. 2 2026 ARP Application Workbook Table 2.6

B: General Forbearance Protocols for the San Luis Valley River Systems for 2026

ec: Craig Cotten, Division Engineer
Chad Wallace, Second Assistant Attorney General
David W. Robbins, Hill & Robbins
Peter Ampe, Hill & Robbins
Clinton Phillips, Davis Engineering Service, Inc.
DWR electronic notification lists
Division 3 Water Court

2026

Table 2.6

Rio Grande Alluvium and URG Response Areas Monthly Stream Depletions for Plan Year

(units of ac-ft)

	Rio Grande Alluvium Response Area Total												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Rio Grande Del Norte-Excelsior	104.8	100.2	107.3	118.8	128.2	143.6	156.5	169.7	167.3	148.4	155.9	140.5	1,641.2
Rio Grande Excelsior-Chicago	71.1	65.4	59.5	44.7	47.9	54.2	63.9	78.7	84.3	80.9	89.5	76.9	817.0
Rio Grande Chicago-State Line	0.6	-1.2	-8.7	-20.2	-12.6	-11.0	-7.8	-4.1	-5.2	-4.3	-3.8	-11.4	-89.6
Total	176.5	164.4	158.1	143.3	163.6	186.8	212.6	244.3	246.4	225.0	241.6	206.0	**2,368.6**

Table 2.6

Rio Grande Alluvium Response Area Monthly Net Stream Depletions for Plan Year

(units of ac-ft)

	Rio Grande Alluvium Response Area Total												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Rio Grande Del Norte-Excelsior	95.12	86.16	86.90	94.60	103.30	118.42	133.86	149.00	149.04	133.62	141.44	128.45	1,419.90
Rio Grande Excelsior-Chicago	71.09	65.37	59.49	44.72	47.91	54.24	63.93	78.69	84.34	80.91	89.45	76.88	817.03
Rio Grande Chicago-State Line	0.63	-1.21	-8.69	-20.17	-12.59	-11.02	-7.75	-4.11	-5.22	-4.33	-3.76	-11.44	-89.65
Total	166.83	150.32	137.71	119.15	138.62	161.64	190.03	223.58	228.17	210.20	227.13	193.90	2,147.29

Table 2.6

Upper Rio Grande Response Area Monthly Stream Depletions for Plan Year

(units of ac-ft)

	Upper Rio Grande Response Area Total												
	2026								2027				
Stream Reach	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Rio Grande Del Norte-Excelsior	9.71	14.05	20.35	24.19	24.95	25.16	22.60	20.71	18.24	14.78	14.46	12.08	221.29
Total	9.71	14.05	20.35	24.19	24.95	25.16	22.60	20.71	18.24	14.78	14.46	12.08	**221.29**

Updated 4/30/2026

General Forbearance Protocols

for San Luis Valley River Systems

Subdistricts No. 1, No. 2 (Rio Grande Alluvium), No. 3 (Conejos), No. 4 (San Luis Creek), No. 5 (Saguache), No. 6 (Alamosa La Jara), and Trinchera Subdistrict will be operating under ARPs and will replace depletions to their affected streams on May 1st, the beginning of the **2026** ARP year. Along with the replacement of stream depletions, the State and Division Engineer may allow the owners of the calling ditch(es) to forbear or choose to not take the water that otherwise would have been allocated to that ditch in exchange for receiving payment in some other form. This forbearance is authorized under Colorado Revised Statute 37-92-501 (4)(b)(1)(B), which states that the State Engineer shall "Recognize contractual arrangements among water users, water user associations, water conservancy districts, ground water management subdistricts, and the Rio Grande Water Conservation District, pursuant to which... injury to senior surface water rights resulting from the use of underground water is remedied by means other than providing water to replace stream depletions."

In order to assist the Subdistricts, water users, and Water Commissioners in determining whether a forbearance contract will be allowed, the following are general guidelines regarding those forbearance contracts for the **2026** ARP year:

- A water right must be the calling water right in order to forbear. In other words, the ditch must be legally and physically entitled and able to receive and divert all of the replacement water that would have been placed into the river or stream reach and made available for that ditch, and the ditch owner(s) could have decided to take the replacement water available instead of forbearing.

- The owner(s) of a ditch that cannot physically divert all of the water under its priorities due to an inadequate ditch size or other physical restrictions cannot forbear for the amount that the ditch is not able to divert. However, this ditch may be able to forbear up to the amount that it is physically and legally able to divert.

- The owner(s) of a ditch that physically is not able to divert the replacement water entitled to it at certain times of the year (for instance during low flow periods), due to an inadequate diversion dam or headgate, or other reasons, cannot forbear during that time of year unless and until the ditch or associated structures are repaired and are physically able to take water. Under certain circumstances this could require the complete drying up of the river or stream.

- If it is certain that the owner(s) of a ditch would have declined to take water in their ditch on a given day that they were in priority to take water, for instance, if that owner cannot take their full priority due to a break in the ditch bank, or if the owner has not called for that water right in the ditch, etc., the ditch owner cannot forbear for that water right on that day.

- Forbearance will be allowed on water rights that are not large enough to cover the entire daily replacement amount. A ditch may be forbearing only a portion of the total daily replacement amount due to the size of the water right. In such cases, there may be several water rights in various ditches that are forbearing at the same time in order to meet the entire replacement obligation of the Subdistrict(s).

- A ditch may operate under a partial forbearance contract, i.e. a situation in which select owners of ditch rights choose to participate in the forbearance agreement. This is allowed with the understanding that the ditch company, Subdistrict, or other appropriate party will manage the partial flow and partial forbearance throughout the ditch system to the satisfaction of all water rights owners in that priority. Prior to operation, the manager of the ditch with partial forbearance must inform the Water Commissioner how they will operate the ditch in order to be in compliance. Without this communication, forbearance is not allowed.

- During times when the river reaches become disconnected, each stretch will be treated as its own calling system. This is true even when non-native water, such as augmentation, storage and transmountain, is delivered across reaches that would otherwise be disconnected. Only RGDSS modelled stream reaches and their connected tributaries may have ditches eligible for forbearance.

- If replacement water delivery could not make it physically to a calling ditch in any particular RGDSS reach, then no forbearance is allowed, and water delivery will be required at the top of the reach. On a day when water could be placed into the river system for replacement of injurious depletions, and a section(s) of the stream is dry between the replacement source and the calling priority ditch(es), forbearance by that ditch(es) will not be allowed unless the stream was live at the time the forbearance began or the delivery would generate a live stream to the point of the call. The determination of the physical properties controlling these situations shall be at the discretion of the Division Engineer and his staff.

- A forbearance that results in a section of the river drying up cannot be used to create a futile call. The river must be administered to replicate what conditions would have taken place had a continuous deliverance of water occurred.

- Ditches with a forbearance contract must have accurate, reliable, and operational measurement devices, headgates and diversion structures for the ditch.